

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X
JOHN T. CORPAC, an individual; on behalf of : CASE NO.: 2:10-cv-04165-ADS-ETB
himself and all others similarly situated,

Plaintiffs,

vs.

RUBIN & ROTHMAN, LLC., a New York
Limited Liability Company; and JOHN AND
JANE DOES NUMBERS 1 THROUGH 25,

Defendants.

AFFIDAVIT

STATE OF NEW YORK :
COUNTY OF SUFFOLK : ss

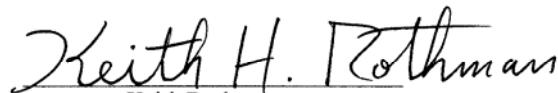
Keith Rothman, being duly sworn, states the following:

1. I am a member of Rubin & Rothman, LLC ("R&R") and have personal knowledge of the statements made herein.
2. The Objector states within his objections to the motion for preliminary approval, that "the De La Paz settlement notes that R&R's net worth is not the \$940,000 represented by the parties to the court here, but instead, \$2.5 million."
3. The business net worth of Rubin & Rothman LLC (the "Firm") changes continuously and is a snapshot of the company's net assets less liabilities at any given time. Our accounting department prepares monthly in-house financial statements based on our general ledger records. They are called interim statements and should not be confused with the year end financial statements prepared by a certified public accounting firm. Interim statements are frequently revised for a variety of reasons (e.g. a bill may arrive late or an expense may be misclassified) and are not considered final for any purpose. Because of the shifting nature of interim

statements and the fact that they are not reviewed by an outside agency, they are considered the lowest level of financial statement.

4. On or about October 21, 2010, we were asked for a net worth figure for the firm in connection with the settlement of this class action. On that date, the most accurate figures available were from our August 31, 2010, interim financial statement. At that time the figure was calculated by my accounting department at about \$940,000, which is the figure previously provided to the court in this action.
5. On July 5, 2012, Rubin & Rothman provided a financial statement dated December 31, 2011, to the attorneys for plaintiff in De La Paz. The statement was prepared by the firm's accountants, Berdon & Co., LLP, and reflected a net worth of \$2,289,192.
6. Because this settlement had to be submitted to the Court a second time for approval, I was asked to provide a figure as of year end 2012. Once again, the net worth was determined to be \$940,000 from the then unaudited financials available to our accountants. Now that the financials for 2012 have been completed and reviewed by our accountants, the net worth figure has been adjusted slightly to 976,875. As noted above, the net worth of an entity is a fluid number but has remained relatively constant over the past several months and close to what it was when the original net worth figure was provided in late 2010.

As such, the net worth figure provided in this action and the net worth figure provided in De La Paz both were accurate on the dates specified.


Keith Rothman

Sworn to before me this 26th day
of June, 2013.


DAWN M. DIAS
Notary Public, State of New York
No. 52-4893498
Qualified in Suffolk County
Commission Expires November 18, 192013
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